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# REED & EBERLE LLP

DIANNE E. REED  
SHELLEY P. EBERLE  
LOUIS L. WU  
KAREN CANAAN  
CARRIE A. BEATUS  
MARK L. WARZEL<sup>†</sup>  
LAWRENCE R. BERNSTEIN, PH.D.<sup>‡</sup>

<sup>†</sup>PATENT AGENT  
<sup>‡</sup>TECHNICAL SPECIALIST

## INTELLECTUAL PROPERTY LAW

800 MENLO AVENUE, SUITE 210  
MENLO PARK, CALIFORNIA 94025  
TELEPHONE (650) 330-0900  
FACSIMILE (650) 330-0980  
WWW.REEDPATENT.COM

PATENT PREPARATION,  
PROSECUTION, AND  
RELATED SERVICES

February 26, 2004

Commissioner of Patents and Trademarks  
Deposit Account  
Mail Stop 16  
P.O. Box 1450  
Alexandria, Virginia 2231-1450

Re: Reed & Eberle LLP Deposit Account 180580

Dear Sir:

On our December 2003 Deposit Account Statement, we were charged \$258.00 in error. The entry is dated December 18, 2003, Posting Reference 10153228, Attorney Docket P 265368. This entry is for an application for another law firm and should not be charged against our account. We would appreciate your reviewing this entry and crediting our account for \$258.00.

If you need any further information, please do not hesitate to contact me.

Sincerely,



Marilyn B. McKenna  
Senior Patent Administrator

Enclosure



United States  
Patent and  
Trademark Office



## Deposit Account Statement

Requested Statement Month: December 2003  
 Deposit Account Number: 180580  
 Name: REED & EBERLE LLP  
 Attention: MARILYN B. MCKENNA, PATENT ADMINISTRATOR  
 Address: 800 MENLO AVE, SUITE 210  
 City: MENLO PARK  
 State: CA  
 Zip: 94025

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01	358	09691824	2750-0001 8021		\$40.00	\$9,977.50
12/11	2	09964215	7610-0001.25 1814		\$110.00	\$9,867.50
12/11	3	09964215	7610-0001.25 1814		\$110.00	\$9,757.50
12/11	4	09964215	7610-0001.25 1814		\$110.00	\$9,647.50
12/11	5	09964215	7610-0001.25 1814		\$110.00	\$9,537.50
12/11	6	09964215	7610-0001.25 1814		\$110.00	\$9,427.50
12/15	284	10336666	8500-0271 8021		\$40.00	\$9,387.50
12/17	362	10661103	2335-0008.22 8021		\$40.00	\$9,347.50
12/17	397	10661103	2335-0008-22 8021		\$40.00	\$9,307.50
12/18	3	10153228	P 265368 2201		\$258.00	\$9,049.50
12/24	18	6613926	8500-0271 1811		\$100.00	\$8,949.50
12/30	142	0136000388	31000006TW 8014		\$25.00	\$8,924.50
12/30	153	60506474	2150002TW 8007		\$20.00	\$8,904.50
12/30	178	10321778	7450000141 8007		\$20.00	\$8,884.50
12/30	202	10321778	7450000141 8007		\$20.00	\$8,864.50

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$10,017.50	\$1,153.00	\$0.00	\$8,864.50

PLC

**LOCKE LIDDELL & SAPP LLP**

2200 Ross Avenue  
Suite 2200  
Dallas, TX 75201-6778

US PATENT & TRADEMARK  
OFFICE

OFFICE OF FINANCIAL  
REFUND DEPARTMENT

**FACSIMILE TRANSMISSION**

Main: (214) 740-8000  
Fax: (214) 740-8800

Date: May 22, 2003

12:58 PM

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

TO	COMPANY	FAX NO.	PHONE NO.
Ms. LaTrice Sims	Office of Commissioner of Patents and Trademarks	(703) 308-6778	(703) 305-4229

PHONE (214) 740-8291

FROM: Kelli Hanna

Total number of pages including this page: 3.

If you do not receive all the pages, please call (214) 740-8098.

Notes: Please find attached a letter requesting a refund, along with a copy of an invoice from the Office of the USPTO, regarding Account No. 12-1781, Docket No. 31223-81765. Thank you.

**IMPORTANT/CONFIDENTIAL:** This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

31223-81765 : DALLAS : 1165345.1

# LOCKE LIDDELL & SAPP LLP

ATTORNEYS & COUNSELORS

2200 ROSS AVENUE  
SUITE 2200  
DALLAS, TEXAS 75201-6776

AUSTIN • DALLAS • HOUSTON • NEW ORLEANS

(214) 740-8000  
Fax: (214) 740-8800  
[www.lockeliddell.com](http://www.lockeliddell.com)

DIRECT NUMBER: (214) 740-8291  
email: [kjhanna@lockeliddell.com](mailto:kjhanna@lockeliddell.com)

May 22, 2003

**VIA FACSIMILE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Ms. LaTrice Sims

Re: Account Number 121781  
Docket Number 31223-81765  
Serial Number 10/074,173  
Refund of \$110.00

Dear Ms. Sims:

Please find enclosed the USPTO's Monthly Statement of Deposit Account dated February 28, 2003.

On or about February 20, 2003, we submitted a Power of Attorney, together with a Terminal Disclaimer against the term of U.S. Patent Number 6,380,449.

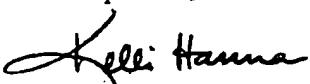
The statement referenced in paragraph 1 above sets forth two charges for \$110.00, each for the same docket number, which is referenced in the subject line above. Our file reveals that we should have only been charged once for \$110.00, which we requested in our Submission of Power of Attorney and Terminal Disclaimer. We asked that the funds be withdrawn from our Deposit Account No. 12-1781.

On April 25, 2003, after discussing the duplicate charge of \$110.00, one of the USPTO representatives by the name of Ed, at 703-305-4634, stated that the situation appears to indicate that we owed only \$110.00, under Control Number 1, and that the other charge for \$110.00 under Control Number 141 is a duplicate.

At your earliest convenience, please provide us with a refund in the amount of \$110.00. Please let me know when the refund has been instituted.

Thank you for your time and consideration.

Respectfully submitted,

  
Kelli Hanna

Kelli Hanna  
Legal Assistant to William D. Jackson

Enclosure

31223-81765 : DALLAS : 1156448.1

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

LOCKE LIDDELL & SAPP LLP  
ATTN: SUELLA BROWN  
2200 ROSS AVENUE  
SUITE 2200

DALLAS TX 75201-6776

FINA

Account No.	121781
Date	2-28-03
Page	1

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED		CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES/ CREDITS	BALANCE
O.	DAY	YR					
2	5	03	1	09205056	31223-79001 F-722	1402	320.00
2	10	03	1	09760681	" 83150F-735CON	1251	110.00
2	12	03	11	check	65755/00000	6201	525.00
2	24	03	1	1236207	31223-81765	1814	110.00
2	27	03	141	10074173	31223-81765	1814	110.00
							21478.00

*R to b, 11 M Kor 3/26/03  
Roy L. Laddi*

VENDOR NO.	2562	DUE
ACCT. OR C/M NO.		AMOUNT
		1175.00

APPROVAL  
VOUCHER NO. 493059 DATE 3/31/03

MOUNT SUFFICIENT TO RE- ALL SERVICES REQUESTED ALWAYS BE ON DEPOSIT.	OPENING BALANCE 22653.00	TOTAL CHARGES 1175.00	TOTAL CREDITS 0.00	CLOSING B. 21478.
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\*\*\* O.D. INDICATES OVERDRAFT

\*\* TOTAL PAGE.03 \*\*

Robert Westerlund  
1820 N. Herndon St.  
Arlington, VA 22201  
T (703) 973-8439  
F (703) 783-8379

# Fax

To:	Brenda McArthur	From:	Robert Westerlund
Fax:	703-308-5077	Pages:	3 (including cover sheet)
Phone:	703-305-0877	Date:	2/5/2004
Re:	Request for Refund	CC:	

ATTENTION: REFUND DEPARTMENT, Brenda McArthur

Hi Brenda,

Pursuant to our discussion of earlier this morning, transmitted herewith is my formal request for a REFUND of \$2,200.00 to be credited to Deposit Account No. 16-2372. In particular, as evidenced by the screen shots that you captured, Deposit Account No. 16-2372 was debited in the amounts of \$750.00 and \$1,450.00 on July 7, 2003 (7/7/03) for matter number MDHS-378A, Serial No. 09/272,562. The \$750.00 fee (fee code 1006) was supposed to have been for an RCE (Request for Continued Examination) of Serial No. 09/272,562, and the \$1,450.00 fee (fee code 1254) was supposed to have been in payment for a 4<sup>th</sup> month extension fee for that same application in order to prevent it from becoming abandoned. However, it turns out that this application was abandoned, and that the \$750.00 RCE fee and the \$1,450.00 4<sup>th</sup> month extension fees were not applied, i.e., the RCE and 4<sup>th</sup> month extensions were not entered. These facts should be readily confirmable by merely checking the PALM system. The examiner that was previously in charge of that application mailed out a Notice of Abandonment, and when questioned, specifically represented that neither the RCE nor the 4<sup>th</sup> month extensions were ever entered (which is why the case went "Abandoned"). Based upon these facts, I, Robert Westerlund, hereby Request a REFUND in the amount of \$2,200.00 for the above-identified fees. The REFUND should be credited to Deposit Account No. 16-2372.

Please confirm receipt of this FAX, and advise me if I have furnished all of the required information.

Thank you for your prompt assistance to this matter.

Sincerely,

*Robert Westerlund (Reg. # 31,439)*  
Robert Westerlund

(Authorized User of Deposit Account No. 16-2372, and attorney-of-record of the abandoned application Ser. No. 09/272,562 at the time the case went abandoned)

Feb 06 04 02:47p Robert A. Westerlund  
02/05/04 10:20 FAX 7033085077

703-522-0126

P.2  
002

Deposit Account Statement

Date		Description	Ref.	Amount
07-03-2003	28	E-REPLENISHMENT		9203 -3,200.00
07-07-2003	114	09272562	MDHS-378A	1006 750.00
07-07-2003	115	09272562	MDHS-378A	1254 1,450.00
07-08-2003	93	60484674	PP-03-002PA	2005 80.00
07-08-2003	18	E-REPLENISHMENT		9203 -2,600.00
07-08-2003	90	10612958	GGP-03-001US	2001 375.00
07-11-2003	84	10021682	NC79363A	1402 320.00
07-11-2003	65	10021682	NC79363A	1252 410.00
07-14-2003	8	90006696	PH-03-001	1812 2,520.00

Feb 06 04 02:47p Robert A. Westerlund  
02/05/04 10:24 FAX 7033085077

703-522-0126

p.3  
003

Deposit Account Statement

Date	Transacted	Description	Debit	Credit	Balance
07-03-2003	28	E-REPLENISHMENT		9203	3,200.00
07-07-2003	114	09272562	MDHS-378A	1006	750.00
07-07-2003	115	09272562	MDHS-378A	1254	1,450.00
07-08-2003	93	60484674	PP-03-002PA	2005	80.00
07-08-2003	18	E-REPLENISHMENT		9203	2,600.00
07-08-2003	90	10612958	GGP-03-001US	2001	375.00
07-11-2003	84	10021682	NC79363A	1402	320.00
07-11-2003	85	10021682	NC79363A	1252	410.00
07-14-2003	8	90006696	PH-03-001	1812	2,520.00